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AN ACT

RELATING TO HEALTH CARE; ENACTING THE NURSE LICENSURE COMPACT;  
REQUIRING REGISTRATION FOR MULTISTATE LICENSURE PRIVILEGES;  
PROVIDING FOR A NURSE LICENSURE COMPACT ADMINISTRATOR; AMENDING  
AND ENACTING SECTIONS OF THE NURSING PRACTICE ACT; MAKING AN  
APPROPRIATION.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Nursing Practice Act is enacted to read:

"COMPACT ENTERED INTO.--The Nurse Licensure Compact is entered into  
law and entered into with all other jurisdictions legally joining therein in a form  
substantially as follows:

"NURSE LICENSURE COMPACT

Article 1 - Findings and Purpose

A. The party states find that:

- (1) the health and safety of the public are affected by the  
degree of compliance with and the effectiveness of enforcement activities related to  
state nurse licensure laws;
- (2) violation of nurse licensure and other laws regulating the  
practice of nursing may result in injury or harm to the public;
- (3) the expanded mobility of nurses and the use of advanced  
communication technologies as part of our nation's health care delivery system require  
greater coordination and cooperation among states in the areas of nurse licensure  
and regulation;
- (4) new practice modalities and technology make compliance  
with individual state nurse licensure laws difficult and complex; and
- (5) the current system of duplicative licensure for nurses  
practicing in multiple states is cumbersome and redundant to both nurses and states.

B. The general purposes of this compact are to:

- 1 (1) facilitate the states' responsibility to protect the public's SB  
2 health and safety;
- 3 (2) ensure and encourage the cooperation of party states in 1  
4 the areas of nurse licensure and regulation; 8  
5 (3) facilitate the exchange of information between party states 6  
6 in the areas of nurse regulation, investigation and adverse actions; P  
7 (4) promote compliance with the laws governing the practice of a  
8 nursing in each jurisdiction; and e  
9 (5) invest all party states with the authority to hold a nurse 2  
10 accountable for meeting all state practice laws in the state in which the patient is  
11 located at the time care is rendered through the mutual recognition of party state  
12 licenses.

## ARTICLE 2 - Definitions

12 As used in the Nurse Licensure Compact:

- 13 A. "adverse action" means a home or remote state action;
- 14 B. "alternative program" means a voluntary, non-disciplinary  
15 monitoring program approved by a licensing board;
- 16 C. "coordinated licensure information system" means an integrated  
17 process for collecting, storing and sharing information on nurse licensure and  
18 enforcement activities related to nurse licensure laws, which is administered by a  
19 nonprofit organization composed of and controlled by state licensing boards;
- 20 D. "current significant investigative information" means:  
21 (1) investigative information that a licensing board, after a  
22 preliminary inquiry that includes notification and opportunity for the nurse to respond if  
23 required by state law, has reason to believe is not groundless and, if proved true,  
24 would indicate more than a minor infraction; or  
25 (2) investigative information that indicates that the nurse  
represents an immediate threat to public health and safety regardless of whether the  
nurse has been notified and had an opportunity to respond;

1 E. "home state" means the party state that is the nurse's primary state SB  
2 of residence;

3 F. "home state action" means an administrative, civil, equitable or 1  
4 criminal action permitted by the home state's laws that are imposed on a nurse by the 8  
5 home state's licensing board or other authority, including actions against an 6  
6 individual's license such as: revocation, suspension, probation or any other action P  
7 that affects a nurse's authorization to practice; a  
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9 G. "licensing board" means a party state's regulatory body responsible 3  
10 for issuing nurse licenses;

11 H. "multistate licensure privilege" means current, official authority from  
12 a remote state permitting the practice of nursing as either a registered nurse or a  
13 licensed practical or vocational nurse in such party state. All party states have the  
14 authority, in accordance with existing state due process law, to take actions against  
15 the nurse's privilege such as: revocation, suspension, probation or any other action  
16 which affects a nurse's authorization to practice;

17 I. "nurse" means a registered nurse or licensed practical or vocational  
18 nurse, as those terms are defined by each party state's practice laws;

19 J. "party state" means a state that has adopted the Nurse Licensure  
20 Compact;

21 K. "remote state" means a party state, other than the home state:  
22 (1) where the patient is located at the time nursing care is  
23 provided; or  
24 (2) in the case of the practice of nursing not involving a  
25 patient, in such party state where the recipient of nursing practice is located;

L. "remote state action" means:  
(1) an administrative, civil, equitable or criminal action  
permitted by a remote state's laws that are imposed on a nurse by the remote state's  
licensing board or other authority, including actions against a nurse's multistate  
licensure privilege to practice in the remote state; and

1 (2) cease and desist orders and other injunctive or equitable  
2 orders issued by remote states or the licensing boards thereof;

3 M. "state" means a state, territory or possession of the United States,  
4 the District of Columbia or the Commonwealth of Puerto Rico; and

5 N. "state practice laws" means an individual party state's laws and  
6 regulations that govern the practice of nursing, define the scope of nursing practice  
7 and create the methods and grounds for imposing discipline. "State practice laws"  
8 does not include the initial qualifications for licensure or requirements necessary to  
9 obtain and retain a license, except for qualifications or requirements of the home state.

### 10 ARTICLE 3 - General Provisions and Jurisdiction

11 A. A license to practice registered nursing issued by a home state to a  
12 resident in that state will be recognized by each party state as authorizing a multistate  
13 licensure privilege to practice as a registered nurse in such party state. A license to  
14 practice licensed practical or vocational nursing issued by a home state to a resident  
15 in that state will be recognized by each party state as authorizing a multistate licensure  
16 privilege to practice as a licensed practical or vocational nurse in such party state. In  
17 order to obtain or retain a license, an applicant must meet the home state's  
18 qualifications for licensure and license renewal as well as all other applicable state  
19 laws.

20 B. A party state may, in accordance with state due process laws, limit  
21 or revoke a multistate licensure privilege of any nurse to practice in the state and may  
22 take any other action under applicable state laws necessary to protect the health and  
23 safety of state citizens. If a party state takes such action, it shall promptly notify the  
24 administrator of the coordinated licensure information system. The administrator of  
25 the coordinated licensure information system shall promptly notify the home state of  
any such actions by remote states.

C. A nurse practicing in a party state must comply with the state  
practice laws of the state in which the patient is located at the time care is rendered.  
In addition, the practice of nursing is not limited to patient care, but shall include all

1 nursing practice as defined by the state practice laws of the party state. The practice  
2 of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the  
3 courts, as well as the laws, in that party state.

4 D. The Nurse Licensure Compact does not affect additional  
5 requirements imposed by a party state for advanced practice registered nursing.  
6 However, a multistate licensure privilege to practice registered nursing granted by a  
7 party state shall be recognized by other party states as a license to practice registered  
8 nursing if one is required by state law as a precondition for qualifying for advanced

9 E. Individuals not residing in a party state shall continue to be able to  
10 apply for nurse licensure as provided for under the laws of each party state. However,  
11 the license granted to these individuals will not be recognized as granting the privilege  
12 to practice nursing in any other party state unless explicitly agreed to by that party  
13 state.

#### 13 ARTICLE 4 - Application for Licensure in a Party State

14 A. Upon application for a license, the licensing board in a party state  
15 shall ascertain, through the coordinated licensure information system, whether the  
16 applicant has ever held, or is the holder of, a license issued by any other state,  
17 whether there are any restrictions on the multistate licensure privilege and whether  
18 any other adverse action by any state has been taken against the license.

19 B. A nurse in a party state shall hold licensure in only one party state  
20 at a time, issued by the home state.

21 C. A nurse who intends to change primary state of residence may  
22 apply for licensure in the new home state in advance of such change. However, new  
23 licenses will not be issued by a party state until after the nurse provides evidence of  
24 change in primary state of residence satisfactory to the new home state's licensing  
25 board.

D. When a nurse changes primary state of residence by:

- (1) moving from one party state to another party state, and

1 obtains a license from the new home state, the license from the former home state is  
2 no longer valid;

3 (2) moving from a nonparty state to a party state, and obtains  
4 a license from the new home state, the individual state license issued by the nonparty  
5 state is not affected and will remain in full force if so provided by the laws of the  
6 nonparty state; or

7 (3) moving from a party state to a nonparty state, the license  
8 issued by the prior home state converts to an individual state license, valid only in the  
9 former home state, without the multistate licensing privilege to practice in other party  
10 states.

#### 11 ARTICLE 5 - Adverse Actions

12 In addition to the general provisions described in Article 3 of the Nurse Licensure  
13 Compact, the following provisions apply.

14 A. The licensing board of a remote state shall promptly report to the  
15 administrator of the coordinated licensure information system any remote state  
16 actions, including the factual and legal basis for such action, if known. The licensing  
17 board of a remote state shall also promptly report any significant current investigative  
18 information yet to result in a remote state action. The administrator of the coordinated  
19 licensure information system shall promptly notify the home state of any such reports.

20 B. The licensing board of a party state shall have the authority to  
21 complete any pending investigations for a nurse who changes primary state of  
22 residence during the course of such investigations. It shall also have the authority to  
23 take appropriate actions, and shall promptly report the conclusions of such  
24 investigations to the administrator of the coordinated licensure information system.  
25 The administrator of the coordinated licensure information system shall promptly notify  
the new home state of any such actions.

C. A remote state may take adverse action affecting the multistate  
licensure privilege to practice within that party state. However, only the home state  
has the power to impose adverse action against the license issued by the home state.

1 D. For purposes of imposing adverse action, the licensing board of the  
2 home state shall give the same priority and effect to reported conduct received from a  
3 remote state as it would if such conduct had occurred within the home state. In so  
4 doing, it shall apply its own state laws to determine appropriate action.

5 E. The home state may take adverse action based on the factual  
6 findings of the remote state, so long as each state follows its own procedures for  
7 imposing such adverse action.

8 F. Nothing in the Nurse Licensure Compact shall override a party  
9 state's decision that participation in an alternative program may be used in lieu of  
10 licensure action and that such participation shall remain nonpublic if required by the  
11 party state's laws. Party states must require nurses who enter any alternative  
12 programs to agree not to practice in any other party state during the term of the  
13 alternative program without prior authorization from such other party state.

14 ARTICLE 6 - Additional Authorities Invested in Party State Licensing Boards

15 Notwithstanding any other powers, a party state licensing board shall have authority  
16 to:

17 A. if otherwise permitted by state law, recover from the affected nurse  
18 the costs of investigations and disposition of cases resulting from any adverse action  
19 taken against that nurse;

20 B. issue subpoenas for both hearings and investigations that require  
21 the attendance and testimony of witnesses and the production of evidence.  
22 Subpoenas issued by a licensing board in a party state for the attendance and  
23 testimony of witnesses or the production of evidence from another party state, shall be  
24 enforced in the latter state by any court of competent jurisdiction, according to the  
25 practice and procedure of that court applicable to subpoenas issued in proceedings  
pending before it. The issuing authority shall pay any witness fees, travel expenses,  
mileage and other fees required by the service statutes of the state where the  
witnesses or evidence is located;

C. issue cease and desist orders to limit or revoke a nurse's authority

1 to practice in the state; and

2 D. promulgate uniform rules and regulations as provided for in Article  
3 8 of the Nurse Licensure Compact.

4 ARTICLE 7 - Coordinated Licensure Information System

5 A. All party states shall participate in a cooperative effort to create a  
6 coordinated database of all licensed registered nurses and licensed practical or  
7 vocational nurses. This system will include information on the licensure and  
8 disciplinary history of each nurse as contributed by party states, to assist in the  
9 coordination of nurse licensure and enforcement efforts.

10 B. Notwithstanding any other provision of law, all party state licensing  
11 boards shall promptly report adverse actions, actions against multistate licensure  
12 privileges, any current significant investigative information yet to result in adverse  
13 action and denials of applications and the reasons for such denials to the coordinated  
14 licensure information system.

15 C. Current significant investigative information shall be transmitted  
16 through the coordinated licensure information system only to party state licensing  
17 boards.

18 D. Notwithstanding any other provision of law, all party state licensing  
19 boards contributing information to the coordinated licensure information system may  
20 designate information that may not be shared with nonparty states or disclosed to  
21 other entities or individuals without the express permission of the contributing party  
22 state.

23 E. Any personally identifiable information obtained by a party state  
24 licensing board from the coordinated licensure information system may not be shared  
25 with nonparty states or disclosed to other entities or individuals except to the extent  
permitted by the laws of the party state contributing the information.

F. Any information contributed to the coordinated licensure information  
system that is subsequently required to be expunged by the laws of the party state  
contributing the information shall also be expunged from the coordinated licensure

1 information system.

2 G. The compact administrators, acting jointly with each other and in  
3 consultation with the administrator of the coordinated licensure information system,  
4 shall formulate necessary and proper procedures for the identification, collection and  
5 exchange of information under the Nurse Licensure Compact.

6 ARTICLE 8 - Compact Administration and Interchange of Information

7 A. The executive head of the licensing board, or the executive head's  
8 designee, of a party state shall be the administrator of the Nurse Licensure Compact  
9 for the state.

10 B. The compact administrator of each party state shall furnish to the  
11 compact administrator of every other party state any information and documents,  
12 including but not limited to a uniform data set of investigations, identifying information,  
13 licensure data and disclosable alternative program participation information to facilitate  
14 the administration of the Nurse Licensure Compact.

15 C. Compact administrators shall have the authority to develop uniform  
16 rules to facilitate and coordinate implementation of the Nurse Licensure Compact.  
17 These uniform rules shall be adopted by party states, under the authority invested  
18 under Subsection D of Article 6 of the Nurse Licensure Compact.

19 ARTICLE 9 - Immunity

20 A party state or the officers or employees or agents of a party state licensing board  
21 who act in accordance with the provisions of the Nurse Licensure Compact shall not be  
22 liable on account of any act or omission in good faith while engaged in the  
23 performance of their duties under that compact. "Good faith" as used in this article  
24 does not include willful misconduct, gross negligence or recklessness.

25 ARTICLE 10 - Entry into Force, Withdrawal and Amendment

A. The Nurse Licensure Compact shall enter into force and become  
effective as to any state when it has been enacted into the laws of that state. Any  
party state may withdraw from that compact by enacting a statute repealing the same,  
but such withdrawal shall not take effect until six months after the withdrawing state

1 has given notice of the withdrawal to the executive heads of all other party states.

2 B. No withdrawal shall affect the validity or applicability by the licensing  
3 boards of states remaining party to the Nurse Licensure Compact of any report of  
4 adverse action occurring prior to the withdrawal.

5 C. Nothing contained in the Nurse Licensure Compact shall be  
6 construed to invalidate or prevent any nurse licensure agreement or other cooperative  
7 arrangement between a party state and a nonparty state that is made in accordance  
8 with the other provisions of that compact.

9 D. The Nurse Licensure Compact may be amended by the party  
10 states. No amendment to that compact shall become effective and binding upon the  
11 party states unless and until it is enacted into the laws of all party states.

#### 12 ARTICLE 11 - Construction and Severability

13 A. The Nurse Licensure Compact shall be liberally construed to  
14 effectuate the purposes of that compact. The provisions of that compact shall be  
15 severable and if any phrase, clause, sentence or provision of that compact is declared  
16 to be contrary to the constitution of any party state or of the United States or the  
17 applicability thereof to any government, agency, person or circumstance is held  
18 invalid, the validity of the remainder of that compact and the applicability of that  
19 compact to any government, agency, person or circumstance shall not be affected. If  
20 that compact is held contrary to the constitution of any party state, that compact, shall  
21 remain in full force and effect as to the remaining party states and in full force and  
22 effect as to the party states affected as to all severable matters.

23 B. In the event party states find a need for settling disputes arising  
24 under the Nurse Licensure Compact:

25 (1) the party states may submit the issues in dispute to an  
arbitration panel that will be comprised of an individual appointed by the compact  
administrator in the home state; an individual appointed by the compact administrator  
in a remote state involved; and an individual mutually agreed upon by the compact  
administrators of all the party states involved in the dispute; and

1 (2) the decision of a majority of the arbitrators shall be final SB  
2 and binding." "

3 Section 2. A new section of the Nursing Practice Act is enacted to read: 1

4 "NURSE LICENSURE COMPACT ADMINISTRATOR--DUTIES.--The Nurse 8  
5 Licensure Compact administrator shall be the executive director of the board or his 6  
6 designee and shall: P  
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6 A. develop rules and make recommendations to the board concerning 1  
7 the administration of the Nurse Licensure Compact, including procedures for reporting 1  
8 an adverse disciplinary action taken by the board against a nurse practicing pursuant  
9 to a multistate licensure privilege;

10 B. work with Nurse Licensure Compact administrators from other party  
11 states to communicate, provide and exchange information pertinent to the  
12 administration of the Nurse Licensure Compact; and

13 C. provide pertinent information to the administrator of the coordinated  
14 licensure information system and compile, for the board's use, information received  
15 from that administrator pursuant to the Nurse Licensure Compact."

15 Section 3. A new section of the Nursing Practice Act is enacted to read:

16 "MULTISTATE LICENSURE PRIVILEGE--REGISTRATION--FEE--RENEWAL.--

17 A. A nurse not licensed to practice in this state, whose home state is  
18 not New Mexico and who wishes to practice in this state pursuant to a multistate  
19 licensure privilege as provided in the Nurse Licensure Compact shall register with the  
20 board within thirty days after beginning to practice nursing in New Mexico. The nurse  
21 shall complete a registration form that contains:

21 (1) the nurse's full name, home state residence address, as  
22 well as a temporary residence address in New Mexico, if applicable, and phone  
23 number;

24 (2) the identity of the nurse's home state and the type of  
25 nursing license the nurse holds in the home state, as well as a declaration of whether  
the license held is current and in good standing; and

1 (3) the name, address and phone number of the nurse's place SB  
2 of nursing employment in New Mexico.

3 B. A nurse registering with the board pursuant to Subsection A of this 1  
4 section may be required by the board to pay a registration fee set by the board not to 8  
5 exceed twenty-five dollars (\$25.00). 6  
6

7 C. A nurse who practices nursing in New Mexico pursuant to a 9  
8 multistate licensure privilege as provided in the Nurse Licensure Compact who wishes 1  
9 to cease practicing in the state shall notify the board in writing of the date upon which 2  
10 the nurse will no longer practice."

11 Section 4. Section 61-3-1 NMSA 1978 (being Laws 1968, Chapter 44, Section  
12 1) is amended to read:

13 "61-3-1. SHORT TITLE.--Chapter 61, Article 3 NMSA 1978 may be cited as  
14 the "Nursing Practice Act"."

15 Section 5. Section 61-3-3 NMSA 1978 (being Laws 1991, Chapter 190,  
16 Section 2, as amended) is amended to read:

17 "61-3-3. DEFINITIONS.--As used in the Nursing Practice Act:

18 A. "advanced practice" means the practice of professional registered  
19 nursing by a registered nurse who has been prepared through additional formal  
20 education as provided in Sections 61-3-23.2 through 61-3-23.4 NMSA 1978 to  
21 function beyond the scope of practice of professional registered nursing, including  
22 certified nurse practitioners, certified registered nurse anesthetists and clinical nurse  
23 specialists;

24 B. "board" means the board of nursing;

25 C. "certified nurse practitioner" means a registered nurse who is  
licensed by the board for advanced practice as a certified nurse practitioner and  
whose name and pertinent information are entered on the list of certified nurse  
practitioners maintained by the board;

D. "certified registered nurse anesthetist" means a registered nurse  
who is licensed by the board for advanced practice as a certified registered nurse

1 anesthetist and whose name and pertinent information are entered on the list of  
2 certified registered nurse anesthetists maintained by the board;

3 E. "clinical nurse specialist" means a registered nurse who is licensed  
4 by the board for advanced practice as a clinical nurse specialist and whose name and  
5 pertinent information are entered on the list of clinical nurse specialists maintained by  
6 the board;

7 F. "collaboration" means the cooperative working relationship with  
8 another health care provider in the provision of patient care, and such collaborative  
9 practice includes the discussion of patient diagnosis and cooperation in the  
10 management and delivery of health care;

11 G. "emergency procedures" means airway and vascular access  
12 procedures;

13 H. "licensed practical nurse" means a nurse who practices licensed  
14 practical nursing and whose name and pertinent information are entered in the  
15 register of licensed practical nurses maintained by the board or a nurse who practices  
16 licensed practical nursing pursuant to a multistate licensure privilege as provided in  
17 the Nurse Licensure Compact;

18 I. "licensed practical nursing" means the practice of a directed scope  
19 of nursing requiring basic knowledge of the biological, physical, social and behavioral  
20 sciences and nursing procedures, which practice is at the direction of a registered  
21 nurse, physician or dentist licensed to practice in this state. This practice includes but  
22 is not limited to:

23 (1) contributing to the assessment of the health status of  
24 individuals, families and communities;

25 (2) participating in the development and modification of the  
plan of care;

(3) implementing appropriate aspects of the plan of care  
commensurate with education and verified competence;

(4) collaborating with other health care professionals in the

1 management of health care; and

2 (5) participating in the evaluation of responses to  
3 interventions;

4 J. "Nurse Licensure Compact" means the agreement entered into  
5 between New Mexico and other jurisdictions permitting the practice of professional  
6 registered nursing or licensed practical nursing pursuant to a multistate licensure  
7 privilege;

8 K. "nursing diagnosis" means a clinical judgment about individual,  
9 family or community responses to actual or potential health problems or life  
10 processes, which judgment provides a basis for the selection of nursing interventions  
11 to achieve outcomes for which the person making the judgment is accountable;

12 L. "practice of nursing" means assisting individuals, families or  
13 communities in maintaining or attaining optimal health, assessing and implementing a  
14 plan of care to accomplish defined goals and evaluating responses to care and  
15 treatment. This practice is based on specialized knowledge, judgment and nursing  
16 skills acquired through educational preparation in nursing and in the biological,  
17 physical, social and behavioral sciences and includes but is not limited to:

18 (1) initiating and maintaining comfort measures;

19 (2) promoting and supporting optimal human functions and  
20 responses;

21 (3) establishing an environment conducive to well-being or to  
22 the support of a dignified death;

23 (4) collaborating on the health care regimen;

24 (5) administering medications and performing  
25 treatments prescribed by a person authorized in this state or in any other state in the  
United States to prescribe them;

(6) recording and reporting nursing observations,  
assessments, interventions and responses to health care;

(7) providing counseling and health teaching;

1 (8) delegating and supervising nursing interventions that may SB  
2 be performed safely by others and are not in conflict with the Nursing Practice Act;  
3 and 1

4 (9) maintaining accountability for safe and effective nursing 8  
5 care; 6  
6

7 M. "professional registered nursing" means the practice of the full 9  
8 scope of nursing requiring substantial knowledge of the biological, physical, social and 1  
9 behavioral sciences and of nursing theory and may include advanced practice 5  
10 pursuant to the Nursing Practice Act. This practice includes but is not limited to:

11 (1) assessing the health status of individuals, families and  
12 communities;

13 (2) establishing a nursing diagnosis;

14 (3) establishing goals to meet identified health care needs;

15 (4) developing a plan of care;

16 (5) determining nursing intervention to implement the plan of

17 care;

18 (6) implementing the plan of care commensurate with  
19 education and verified competence;

20 (7) evaluating responses to interventions;

21 (8) teaching based on the theory and practice of nursing;

22 (9) managing and supervising the practice of nursing;

23 (10) collaborating with other health care

24 professionals in the management of health care; and

25 (11) conducting nursing research;

26 N. "registered nurse" means a nurse who practices professional  
27 registered nursing and whose name and pertinent information are entered in the  
28 register of licensed registered nurses maintained by the board or a nurse who  
29 practices professional registered nursing pursuant to a multistate licensure privilege  
30 as provided in the Nurse Licensure Compact; and

1 O. "scope of practice" means the parameters within which nurses SB  
2 practice based upon education, experience, licensure, certification and expertise."

3 Section 6. Section 61-3-5 NMSA 1978 (being Laws 1968, Chapter 44, Section 1  
4 4, as amended) is amended to read: 8  
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6 "61-3-5. LICENSE REQUIRED.-- P  
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8 A. Except as otherwise provided in the Nursing Practice Act, no person 9  
9 shall use the title "nurse" unless the person is licensed or has been licensed in the e  
10 past as a registered nurse or licensed practical nurse under the Nursing Practice Act. 1  
11 6

12 B. Except as otherwise provided in the Nursing Practice Act, unless  
13 licensed as a registered nurse under the Nursing Practice Act, no person shall:

14 (1) practice professional nursing;

15 (2) use the title "registered nurse", "professional nurse",  
16 "professional registered nurse" or the abbreviation "R.N." or any other abbreviation  
17 thereof or use any other title, abbreviation, letters, figures, signs or devices to indicate  
18 or imply that the person is a registered nurse; or

19 (3) engage in a nursing specialty as defined by the board.

20 C. Except as otherwise provided in the Nursing Practice Act, unless  
21 licensed as a licensed practical nurse under the Nursing Practice Act, no person shall:

22 (1) practice licensed practical nursing; or

23 (2) use the title "licensed practical nurse" or the abbreviation  
24 "L.P.N." or any other abbreviation thereof or use any other title, abbreviation, letters,  
25 figures, signs or devices to indicate or imply that the person is a licensed practical  
nurse.

26 D. Unless licensed as a certified nurse practitioner under the Nursing  
27 Practice Act, no person shall:

28 (1) practice as a certified nurse practitioner; or

29 (2) use the title "certified nurse practitioner" or the  
30 abbreviations "C.N.P." or "N.P." or any other title, abbreviation, letters, figures, signs  
31 or devices to indicate or imply that the person is a certified nurse practitioner.

1 E. Unless licensed as a certified registered nurse anesthetist under SB  
2 the Nursing Practice Act, no person shall:

- 3 (1) practice as a nurse anesthetist; or 1
- 4 (2) use the title "certified registered nurse anesthetist" or the 8
- 5 abbreviation "C.R.N.A." or any other title, abbreviation, letters, figures, signs or 6
- 6 devices to indicate or imply that the person is a certified registered nurse anesthetist. P
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9 F. Unless licensed as a clinical nurse specialist under the Nursing  
10 Practice Act, no person shall: 1

- 11 (1) practice as a clinical nurse specialist; or 7
- 12 (2) use the title "clinical nurse specialist" or the abbreviation
- 13 "C.N.S." or any other title, abbreviation, letters, figures, signs or devices to indicate or
- 14 imply that the person is a clinical nurse specialist.

15 G. No licensed nurse shall be prohibited from identifying himself or his  
16 licensure status."

17 Section 7. Section 61-3-10 NMSA 1978 (being Laws 1968, Chapter 44,  
18 Section 7, as amended) is amended to read:

19 "61-3-10. POWERS--DUTIES.--The board:

20 A. shall adopt and revise such rules and regulations as may be  
21 necessary to enable it to carry into effect the provisions of the Nursing Practice Act  
22 and to maintain high standards of practice;

23 B. shall prescribe standards and approve curricula for educational  
24 programs preparing persons for licensure under the Nursing Practice Act;

25 C. shall provide for surveys of educational programs preparing  
persons for licensure under the Nursing Practice Act;

D. shall grant, deny or withdraw approval from educational programs  
for failure to meet prescribed standards, if a majority of the board concurs in the  
decision;

E. shall provide for the examination, licensing and renewal of licenses  
of applicants;

1 F. shall conduct hearings upon charges relating to discipline of a  
2 licensee or nurse not licensed to practice in New Mexico who is permitted to practice  
3 professional registered nursing or licensed practical nursing in New Mexico pursuant  
4 to a multistate licensure privilege as provided in the Nurse Licensure Compact or the  
5 denial, suspension or revocation of a license in accordance with the procedures of the  
Uniform Licensing Act;

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6 G. shall cause the prosecution of all persons, including firms,  
7 associations, institutions and corporations, violating the Nursing Practice Act and have  
8 the power to incur such expense as is necessary therefor;

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9 H. shall keep a record of all proceedings;

10 I. shall make an annual report to the governor;

11 J. shall appoint and employ a qualified registered nurse, who shall not  
12 be a member of the board, to serve as executive officer to the board, who shall define  
13 the duties and responsibilities of the executive officer, except that the power to grant,  
14 deny or withdraw approval for schools of nursing or to revoke, suspend or withhold  
15 any license authorized by the Nursing Practice Act shall not be delegated by the  
board;

16 K. shall provide for such qualified assistants as may be necessary to  
17 carry out the provisions of the Nursing Practice Act. Such employees shall be paid a  
18 salary commensurate with their duties;

19 L. shall, for the purpose of protecting the health and well-being of the  
20 citizens of New Mexico and promoting current nursing knowledge and practice, adopt  
21 rules and regulations establishing continuing education requirements as a condition of  
license renewal and shall study methods of monitoring continuing competence;

22 M. may appoint advisory committees consisting of at least one  
23 member who is a board member and at least two members expert in the pertinent field  
24 of health care to assist it in the performance of its duties. Committee members may  
be reimbursed as provided in the Per Diem and Mileage Act;

25 N. may adopt and revise rules and regulations designed to maintain

1 an inactive status listing for registered nurses and licensed practical nurses; SB  
2 O. may adopt rules and regulations to regulate the advanced practice  
3 of professional registered nursing and expanded practice of licensed practical 1  
4 nursing; 8  
5 P. shall license qualified certified nurse practitioners, certified 6  
6 registered nurse anesthetists and clinical nurse specialists; P  
7 Q. shall register nurses not licensed to practice in New Mexico who are a  
8 permitted to practice professional registered nursing or licensed practical nursing in 9  
9 New Mexico pursuant to a multistate licensure privilege as provided in the Nurse  
10 Licensure Compact; and  
11 R. shall adopt rules and regulations establishing standards for  
12 authorizing prescriptive authority to certified nurse practitioners and clinical nurse  
13 specialists."  
14 Section 8. Section 61-3-28 NMSA 1978 (being Laws 1968, Chapter 44,  
15 Section 24, as amended) is amended to read:  
16 "61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--  
17 APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--  
18 A. In accordance with the procedures contained in the Uniform  
19 Licensing Act, the board may deny, revoke or suspend any license held or applied for  
20 under the Nursing Practice Act, reprimand or place a licensee on probation or deny,  
21 limit or revoke the multistate licensure privilege of a nurse desiring to practice or  
22 practicing professional registered nursing or licensed practical nursing as provided in  
23 the Nurse Licensure Compact upon grounds that the licensee, applicant or nurse:  
24 (1) is guilty of fraud or deceit in procuring or attempting to  
25 procure a license or certificate of registration;  
(2) is convicted of a felony;  
(3) is unfit or incompetent;  
(4) is intemperate or is addicted to the use of habit-forming  
drugs;

1 (5) is mentally incompetent; SB  
2 (6) is guilty of unprofessional conduct as defined by the rules  
3 and regulations adopted by the board pursuant to the Nursing Practice Act; 1  
4 (7) has willfully or repeatedly violated any provisions of the 8  
5 Nursing Practice Act, including any rule or regulation adopted by the board pursuant 6  
6 to that act; or P  
7 (8) was licensed to practice nursing in any jurisdiction, territory a  
8 or possession of the United States or another country and was the subject of e  
9 disciplinary action as a licensee for acts similar to acts described in this subsection. A 2  
10 certified copy of the record of the jurisdiction, territory or possession of the United 0  
11 States or another country taking the disciplinary action is conclusive evidence of the  
12 action.  
13 B. Disciplinary proceedings may be instituted by any person, shall be  
14 by complaint and shall conform with the provisions of the Uniform Licensing Act. Any  
15 party to the hearing may obtain a copy of the hearing record upon payment of costs  
16 for the copy.  
17 C. Any person filing a complaint shall be immune from liability arising  
18 out of civil action if the complaint is filed in good faith and without actual malice.  
19 D. The board shall not initiate a disciplinary action more than two  
20 years after the date that it receives a complaint.  
21 E. The time limitation contained in Subsection D of this section shall  
22 not be tolled by any civil or criminal litigation in which the licensee or applicant is a  
23 party, arising substantially from the same facts, conduct, transactions or occurrences  
24 that would be the basis for the board's disciplinary action.  
25 F. The board may recover the costs associated with the investigation  
and disposition of a disciplinary proceeding from the nurse who is the subject of the  
proceeding if the nurse is practicing professional registered nursing or licensed  
practical nursing pursuant to a multistate licensure privilege as provided in the Nurse  
Licensure Compact."

1 Section 9. TEMPORARY PROVISION--REPORT.--The board of nursing shall  
2 submit a report containing a recommendation concerning the continuation of New  
3 Mexico's participation in the provisions of the Nurse Licensure Compact to the  
4 legislature no later than November 20, 2007.

5 Section 10. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is January 1, 2004.

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